IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1995 OF 2007

Pravin Sukhdeo Gangurde
and four others ..Applicants

Vs.

State of Maharashtra ..Respondents

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Mr.Z.N.Avadh Advocate for Applicants
Mr.V.B.Konde-Deshmukh A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 22, 2007

P.C.

1. Leave to amend granted. Amendment to be carried out forthwith.

2. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

3. The applicants are seeking bail in C.R.No.81 of 2007 of Pimpalgaon Baswant Police Station, Tal.Niphad Dist.Nasik. The said case is mainly under Sections 324 and 326 r.w. 34 of IPC.

4. The learned advocate for the applicants has submitted that there is a cross complaint and the

present applicant no.1 is the complainant in the cross complaint i.e. C.R.No. 82 of 2007. In the complaint lodged by the applicant no.1, the applicant no.1 and two others i.e. Smt.Sangita and Sukhdeo had sustained injuries. The injuries sustained by them are as follows:

1) Injuries sustained by Pravin Sukhdeo Gangurde:

(i) C.L.W. on temporal 5 cm x 1/2 cm., muscle size deep.

(ii) C.L.W. on right palm 2 cm x 1/2 cm.

2) Injuries sustained by Shri.Sukhdeo Ahilaji Gangurde:

(i) C.L.W. on forehead front 5 cm x 1/2 cm. muscle deep.

(ii) Contusion on right forearm 3 cm cir.

3) Injuries sustained by Smt.Sangita Kashinath Pagare:

(i) Contusion on temporal region 3 cm cir.

(ii) Contusion on abdomen 2 cm cir.

(iii)Contusion on back 3 cm cir.

M.L.C.No.327

(i) Contusion on forehead right side

3 cm cir.

(ii) Abrasion on left wrist 2 cm x 1/4 cm.

(iii)Contusion on back 5 cm. cir.

5. The case of the applicants is that they and other witnesses were assaulted with iron rods. In the case in which the applicants are accused, Sahebrao Gangurde is the complainant. Sahebrao has stated that at the relevant time, co-accused Nilesh Pagare and the applicants came to the spot. He has stated that Nilesh was armed with axe and the applicant no.1 was armed with knife. The complainant has further stated that Nilesh assaulted him with axe on the head on two places and the applicant no.1 has assaulted him with knife on his neck and waist. I have perused the medical certificate of Sahebrao. Sahebrao had sustained three injuries. All the injuries are by hard and blunt object. None of the injuries could be said to be attributable to an axe or knife. Moreover, there are no injuries on the neck or waist of Sahebrao. In this view of the matter, I am inclined to grant anticipatory bail to the applicants.

6. In the event of arrest, each of the applicant Nos. 1 to 3 to be released on bail in the sum of Rs.20,000/- (Rs.twenty thousand only) each with one or two sureties to make up the said amount in C.R.No. 81 of 2007 of Pimpalgaon Baswant Police Station, Tal.Niphad, Dist.Nasik. The applicants shall report to the concerned Police Station for a period of eight days from 26.6.2007 from 10 a.m. to 2 p.m. and thereafter once in a week till the conclusion of trial.

7. Application is disposed of.

[SMT. V.K.TAHILRAMANI, J.]